

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

IN RE: **YADIRA VARGAS TIRADO**
SSN xxx-xx-1126

CASE NO: **16-08946-BKT**

Debtor(s)

Chapter 13

TRUSTEE'S OBJECTION TO PROPOSED POST CONFIRMATION PLAN MODIFICATION UNDER SECTION 1329

*ATTORNEY FEES AS PER R 2016(b) STATEMENT:

Attorney of Record: **ROBERTO FIGUEROA CARRASQUILLO***

Total Agreed: **\$3,000.00** Paid Pre-Petition: **\$500.00** Outstanding (Through the Plan): **\$0.00**

*TRUSTEE'S POSITION RE CONFIRMATION UNDER U.S.C. §1329

Debtor's/s' Commitment Period: ☒ Under Median Income 36 months ☐ Above Median Income 60 months §1325(b)(1)(B)
Projected Disposable Income: **\$0.00**

Liquidation Value:\$0.00 Estimated Priority Debt: \$0.00

If the estate were liquidated under Chapter 7, nonpriority unsecured claims would be paid approximately \$0.00

With respect to the Proposed "PCM": Dated **7/13/2018 (Dkt 70)** **Plan Base: \$18000.00**

The Trustee: ☐ **DOES NOT OBJECT** ☒ **OBJECTS** Plan Confirmation Gen. Uns. Approx. Dist.:62.21%

The Trustee objects to confirmation for the following reasons:

[1325(a)(1)] Failure to comply with her/his/their duties.[11 U.S.C.704(a)(4) and 1302(b)(1)]

In order to Trustee properly evaluate proposed plan Debtor must submit evidence of current income.

[1325(a)(5)] Plan fails to comply with required treatment of allowed Secured Claims.

- 1325 (a)(5)(A): Secured creditor(s) provided for in the plan has/have NOT ACCEPTED the same.

Debtor has failed to submit evidence of the loss mitigation process or status.

As per proposed plan Debtor enter in a loss mitigation process but in Motion in Compliance filed by DLJ Mortgage Debtor fails to comply with the payment agreement.

Motion in Compliance with court order and requesting final hearing filed by DLJ Mortgage Capital on dkt.60 states that Debtor failed to comply with the loss mitigation trial payment plan and request a final hearing regarding dlt.30 and dkt.54.

DLJ Mortgage Capital, secured creditor provided for in the plan, is yet to file its proof of claim for post-petition arrears. Said creditor will not participate from the disbursements regarding said arrears until it files its claim.

Still pending Motion for Relief from Stay filed by secured creditor DLJ Mortgage Capital, in dkt.30. A Final Hearing was scheduled to: August 7, 2018 at 9:00 am.

Plan fails to provide for treatment for creditor Eastern America cl#7.

Please note that Trustee has already paid \$616.82 to auto insurance. Treatment to Eastern America must be clarify.

As of this date, arrears under proposed plan total the amount of \$501.44 (1.67 months). Next payment is due on August 9, 2018.

***OTHER COMMENTS / OBJECTIONS**

Trustee objects the additional fees of \$500.00 until above matters are resolved.

NOTICE

14 day notice: Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the Court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(S), and to her/his/their attorney through CM-ECF notification system.

/s/ Jose R. Carrion, Esq.
CHAPTER 13 TRUSTEE
PO Box 9023884, San Juan PR 00902-3884
Tel. (787)977-3535 Fax (787)977-3550

Date: July 17, 2018

/s/ Jose R. Carrion, Esq.